

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE**

LEXON INSURANCE COMPANY,

Plaintiff,

-against-

JAMES C. JUSTICE II,

Defendant.

Civil Action No. 3:23-cv-0772

Chief Judge Waverly D. Crenshaw
Magistrate Judge Barbara D. Holmes

**MOTION TO PERMIT DEFENDANT'S COUNSEL STEVEN R. RUBY
TO ATTEND PRETRIAL CONFERENCE BY TELEPHONE OR OTHER
ELECTRONIC MEANS**

Defendant James C. Justice II respectfully moves this Court to allow his counsel, Steven R. Ruby, to attend the August 15, 2025 pretrial conference by telephone or other electronic means. In support of this motion, Defendant states as follows:

1. At a telephonic status conference on July 29, 2025, the Court reset the pretrial conference in this matter to August 15, 2025. The Court also directed that all attorneys who will participate in the trial must be present at the pretrial conference.
2. Defendant desires Steven R. Ruby of Carey, Douglas, Kesser & Ruby, PLLC to participate in the trial of this matter.
3. Mr. Ruby has a previously scheduled mock jury exercise in an unrelated matter on August 15, 2025. The jury exercise involves many other participants and significant expense, and it cannot practically be rescheduled.

4. Mr. Ruby has been diligently attempting to arrange for a break in the jury exercise to allow him to attend the pretrial conference by telephonic or other electronic means if the Court will permit him to do so.

5. Defendant's counsel David R. Pogue and local counsel Peter C. Robison will be present in person at the pretrial conference.

6. Although Mr. Ruby cannot attend the pretrial conference in person, allowing Mr. Ruby to attend the recently rescheduled pretrial conference by telephonic or other electronic means will enable him to hear all of the Court's pretrial rulings and instructions and be fully prepared to participate in the August 20, 2025 trial.

WHEREFORE, Defendant respectfully requests that the Court permit Mr. Ruby to attend the pretrial conference by telephone or other electronic means.

Respectfully submitted,

JAMES C. JUSTICE II,

By Counsel:

/s/ Peter C. Robison

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/s/ David R. Pogue

David R. Pogue (admitted *pro hac vice*)

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on August 11, 2025, the foregoing document was filed via the Court's ECF system, which will send a notice of electronic filing to all ECF-registered counsel of record listed below:

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/s/ Peter C. Robison

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